

107TH CONGRESS
2^D SESSION

H. R. 4628

IN THE SENATE OF THE UNITED STATES

JULY 25, 2002

Received; read twice and referred to the Select Committee on Intelligence

AN ACT

To authorize appropriations for fiscal year 2003 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
 5 “Intelligence Authorization Act for Fiscal Year 2003”.

6 (b) TABLE OF CONTENTS.—The table of contents of
 7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.

Sec. 102. Classified schedule of authorizations.

Sec. 103. Personnel ceiling adjustments.

Sec. 104. Community Management Account.

Sec. 105. Authorization of emergency supplemental appropriations for fiscal
 year 2002.

Sec. 106. Limitation on intelligence and intelligence-related activities.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND
 DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL PROVISIONS

Sec. 301. Increase in employee compensation and benefits authorized by law.

Sec. 302. Restriction on conduct of intelligence activities.

Sec. 303. Sense of Congress on intelligence community contracting.

Sec. 304. Semiannual report on financial intelligence on terrorist assets
 (FITA).

Sec. 305. Modification of excepted agency voluntary leave transfer authority.

Sec. 306. Additional one-year suspension of reorganization of Diplomatic Tele-
 communications Service Program Office.

Sec. 307. Prohibition on compliance with requests for information submitted by
 foreign governments.

Sec. 308. Cooperative relationship between the National Security Education
 Program and the Foreign Language Center of the Defense
 Language Institute.

Sec. 309. Establishment of National Flagship Language Initiative within the
 National Security Education Program.

Sec. 310. Deadline for submittal of various overdue reports.

Sec. 311. Report on establishment of a Civilian Linguist Reserve Corps.

Sec. 312. Sense of Congress on diversity in the workforce of intelligence com-
 munity agencies.

Sec. 313. Annual report on hiring and retention of minority employees in the
 intelligence community.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

Sec. 401. Two-year extension of Central Intelligence Agency Voluntary Separation Pay Act.

Sec. 402. Prohibition on implementation of compensation reform plan.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

Sec. 501. Use of funds for counter-drug and counterterrorism activities for Colombia.

Sec. 502. Protection of operational files of the National Reconnaissance Office.

Sec. 503. Eligibility of employees in intelligence senior level positions for Presidential Rank Awards.

TITLE VI—NATIONAL COMMISSION ON TERRORIST ATTACKS
UPON THE UNITED STATES.

Sec. 601. Establishment of Commission.

Sec. 602. Composition of the Commission.

Sec. 603. Functions of the Commission.

Sec. 604. Powers of the Commission.

Sec. 605. Staff of the Commission.

Sec. 606. Compensation and travel expenses.

Sec. 607. Security clearances for Commission members and staff.

Sec. 608. Reports of the Commission; termination.

Sec. 609. Authorization of appropriations.

TITLE VII—INFORMATION SHARING

Sec. 701. Short title.

Sec. 702. Findings and sense of Congress.

Sec. 703. Facilitating homeland security information sharing procedures.

Sec. 704. Report.

Sec. 705. Authorization of appropriations.

Sec. 706. Authority to share grand jury information.

Sec. 707. Authority to share electronic, wire, and oral interception information.

Sec. 708. Foreign intelligence information.

Sec. 709. Information acquired from an electronic surveillance.

Sec. 710. Information acquired from a physical search.

1 **TITLE I—INTELLIGENCE**

2 **ACTIVITIES**

3 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

4 Funds are hereby authorized to be appropriated for

5 fiscal year 2003 for the conduct of the intelligence and

6 intelligence-related activities of the following elements of

7 the United States Government:

8 (1) The Central Intelligence Agency.

1 (2) The Department of Defense.

2 (3) The Defense Intelligence Agency.

3 (4) The National Security Agency.

4 (5) The Department of the Army, the Depart-
5 ment of the Navy, and the Department of the Air
6 Force.

7 (6) The Department of State.

8 (7) The Department of the Treasury.

9 (8) The Department of Energy.

10 (9) The Federal Bureau of Investigation.

11 (10) The National Reconnaissance Office.

12 (11) The National Imagery and Mapping Agen-
13 cy.

14 (12) The Coast Guard.

15 **SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.**

16 (a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL
17 CEILINGS.—The amounts authorized to be appropriated
18 under section 101, and the authorized personnel ceilings
19 as of September 30, 2003, for the conduct of the intel-
20 ligence and intelligence-related activities of the elements
21 listed in such section, are those specified in the classified
22 Schedule of Authorizations prepared to accompany the bill
23 H.R. 4628 of the One Hundred Seventh Congress.

24 (b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AU-
25 THORIZATIONS.—The Schedule of Authorizations shall be

1 made available to the Committees on Appropriations of
2 the Senate and House of Representatives and to the Presi-
3 dent. The President shall provide for suitable distribution
4 of the Schedule, or of appropriate portions of the Sched-
5 ule, within the executive branch.

6 **SEC. 103. PERSONNEL CEILING ADJUSTMENTS.**

7 (a) **AUTHORITY FOR ADJUSTMENTS.**—With the ap-
8 proval of the Director of the Office of Management and
9 Budget, the Director of Central Intelligence may authorize
10 employment of civilian personnel in excess of the number
11 authorized for fiscal year 2003 under section 102 when
12 the Director of Central Intelligence determines that such
13 action is necessary to the performance of important intel-
14 ligence functions, except that the number of personnel em-
15 ployed in excess of the number authorized under such sec-
16 tion may not, for any element of the intelligence commu-
17 nity, exceed 2 percent of the number of civilian personnel
18 authorized under such section for such element.

19 (b) **NOTICE TO INTELLIGENCE COMMITTEES.**—The
20 Director of Central Intelligence shall notify promptly the
21 Permanent Select Committee on Intelligence of the House
22 of Representatives and the Select Committee on Intel-
23 ligence of the Senate whenever the Director exercises the
24 authority granted by this section.

1 **SEC. 104. COMMUNITY MANAGEMENT ACCOUNT.**

2 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
3 authorized to be appropriated for the Community Manage-
4 ment Account of the Director of Central Intelligence for
5 fiscal year 2003 the sum of \$176,179,000. Within such
6 amount, funds identified in the classified Schedule of Au-
7 thorizations referred to in section 102(a) for the Advanced
8 Research and Development Committee shall remain avail-
9 able until September 30, 2004.

10 (b) AUTHORIZED PERSONNEL LEVELS.—The ele-
11 ments within the Community Management Account of the
12 Director of Central Intelligence are authorized 350 full-
13 time personnel as of September 30, 2003. Personnel serv-
14 ing in such elements may be permanent employees of the
15 Community Management Account or personnel detailed
16 from other elements of the United States Government.

17 (c) CLASSIFIED AUTHORIZATIONS.—

18 (1) AUTHORIZATION OF APPROPRIATIONS.—In
19 addition to amounts authorized to be appropriated
20 for the Community Management Account by sub-
21 section (a), there are also authorized to be appro-
22 priated for the Community Management Account for
23 fiscal year 2003 such additional amounts as are
24 specified in the classified Schedule of Authorizations
25 referred to in section 102(a). Such additional

1 amounts shall remain available until September 30,
2 2004.

3 (2) AUTHORIZATION OF PERSONNEL.—In addi-
4 tion to the personnel authorized by subsection (b)
5 for elements of the Community Management Ac-
6 count as of September 30, 2003, there are hereby
7 authorized such additional personnel for such ele-
8 ments as of that date as are specified in the classi-
9 fied Schedule of Authorizations.

10 (d) REIMBURSEMENT.—Except as provided in section
11 113 of the National Security Act of 1947 (50 U.S.C.
12 404h), during fiscal year 2003 any officer or employee of
13 the United States or a member of the Armed Forces who
14 is detailed to the staff of the Community Management Ac-
15 count from another element of the United States Govern-
16 ment shall be detailed on a reimbursable basis, except that
17 any such officer, employee, or member may be detailed on
18 a nonreimbursable basis for a period of less than one year
19 for the performance of temporary functions as required
20 by the Director of Central Intelligence.

21 (e) NATIONAL DRUG INTELLIGENCE CENTER.—

22 (1) IN GENERAL.—Of the amount authorized to
23 be appropriated in subsection (a), \$34,100,000 shall
24 be available for the National Drug Intelligence Cen-
25 ter. Within such amount, funds provided for re-

1 search, development, testing, and evaluation pur-
2 poses shall remain available until September 30,
3 2003, and funds provided for procurement purposes
4 shall remain available until September 30, 2004.

5 (2) TRANSFER OF FUNDS.—The Director of
6 Central Intelligence shall transfer to the Attorney
7 General funds available for the National Drug Intel-
8 ligence Center under paragraph (1). The Attorney
9 General shall utilize funds so transferred for the ac-
10 tivities of the National Drug Intelligence Center.

11 (3) LIMITATION.—Amounts available for the
12 National Drug Intelligence Center may not be used
13 in contravention of the provisions of section
14 103(d)(1) of the National Security Act of 1947 (50
15 U.S.C. 403–3(d)(1)).

16 (4) AUTHORITY.—Notwithstanding any other
17 provision of law, the Attorney General shall retain
18 full authority over the operations of the National
19 Drug Intelligence Center.

20 **SEC. 105. AUTHORIZATION OF EMERGENCY SUPPLE-**
21 **MENTAL APPROPRIATIONS FOR FISCAL YEAR**
22 **2002.**

23 (a) AUTHORIZATION.—Amounts authorized to be ap-
24 propriated for fiscal year 2002 under section 101 of the
25 Intelligence Authorization Act for Fiscal Year 2002 (Pub-

1 lie Law 107–108) for the conduct of the intelligence activi-
2 ties of elements of the United States Government listed
3 in such section are hereby increased, with respect to any
4 such authorized amount, by the amount by which appro-
5 priations pursuant to such authorization were increased
6 by the following:

7 (1) The Emergency Supplemental Act, 2002
8 (contained in division B of Public Law 107–117), in-
9 cluding section 304 of such Act (115 Stat. 2300).

10 (2) An emergency supplemental appropriation
11 in a supplemental appropriations Act for fiscal year
12 2002 that is enacted after May 1, 2002, amounts as
13 are designated by Congress as an emergency re-
14 quirement pursuant to section 251(b)(2)(A) of the
15 Balanced Budget and Emergency Deficit Control
16 Act of 1985 (2 U.S.C. 901(b)(2)(A)).

17 (b) RATIFICATION.—For purposes of section 504 of
18 the National Security Act of 1947 (50 U.S.C. 414), any
19 obligation or expenditure of those amounts deemed to have
20 been specifically authorized by the Act referred to in sub-
21 section (a)(1) and by the supplemental appropriations Act
22 referred to in subsection (a)(2) is hereby ratified and con-
23 firmed.

1 **SEC. 106. LIMITATION ON INTELLIGENCE AND INTEL-**
2 **LIGENCE-RELATED ACTIVITIES.**

3 (a) IN GENERAL.—Subject to subsection (b), the
4 amounts requested in the letter dated July 03, 2002, of
5 the President to the Speaker of the House of Representa-
6 tives, related to the Defense Emergency Response Fund
7 and that are designated for the incremental costs of intel-
8 ligence and intelligence-related activities for the war on
9 terrorism are authorized.

10 (b) LIMITATIONS.—The amounts referred to in sub-
11 section (a)—

12 (1) are authorized only for activities directly re-
13 lated to identifying, responding to, or protecting
14 against acts or threatened acts of terrorism;

15 (2) are not authorized to correct programmatic
16 or fiscal deficiencies in major acquisition programs
17 which have not achieved initial operational capabili-
18 ties within two years of the date of the enactment
19 of this Act; and

20 (3) are not available until the end of the 10-day
21 period that begins on the date written notice is pro-
22 vided to the Select Committee on Intelligence and
23 the Committee on Appropriations of the Senate and
24 the Permanent Select Committee on Intelligence and
25 the Committee on Appropriations of the House of
26 Representatives.

1 **TITLE II—CENTRAL INTEL-**
2 **LIGENCE AGENCY RETIRE-**
3 **MENT AND DISABILITY SYS-**
4 **TEM**

5 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

6 There is authorized to be appropriated for the Cen-
7 tral Intelligence Agency Retirement and Disability Fund
8 for fiscal year 2003 the sum of \$351,300,000.

9 **TITLE III—GENERAL**
10 **PROVISIONS**

11 **SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND**
12 **BENEFITS AUTHORIZED BY LAW.**

13 Appropriations authorized by this Act for salary, pay,
14 retirement, and other benefits for Federal employees may
15 be increased by such additional or supplemental amounts
16 as may be necessary for increases in such compensation
17 or benefits authorized by law.

18 **SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE**
19 **ACTIVITIES.**

20 The authorization of appropriations by this Act shall
21 not be deemed to constitute authority for the conduct of
22 any intelligence activity which is not otherwise authorized
23 by the Constitution or the laws of the United States.

1 **SEC. 303. SENSE OF CONGRESS ON INTELLIGENCE COMMU-**
2 **NITY CONTRACTING.**

3 It is the sense of Congress that the Director of Cen-
4 tral Intelligence should continue to direct that elements
5 of the intelligence community, whenever compatible with
6 the national security interests of the United States and
7 consistent with operational and security concerns related
8 to the conduct of intelligence activities, and where fiscally
9 sound, should competitively award contracts in a manner
10 that maximizes the procurement of products properly des-
11 ignated as having been made in the United States.

12 **SEC. 304. SEMIANNUAL REPORT ON FINANCIAL INTEL-**
13 **LIGENCE ON TERRORIST ASSETS (FITA).**

14 (a) SEMIANNUAL REPORT.—

15 (1) IN GENERAL.—Title I of the National Secu-
16 rity Act of 1947 (50 U.S.C. 401 et seq.) is amended
17 by adding at the end the following new section:

18 “SEMIANNUAL REPORT ON FINANCIAL INTELLIGENCE ON
19 TERRORIST ASSETS

20 “SEC. 118. (a) SEMIANNUAL REPORT.—On a semi-
21 annual basis, the Secretary of the Treasury (acting
22 through the head of the Office of Intelligence Support)
23 shall submit a report to the appropriate congressional
24 committees (as defined in subsection (c)) that fully in-
25 forms the committees concerning operations against ter-

1 rorist financial networks. Each such report shall include
2 with respect to the preceding six-month period—

3 “(1) the total number of asset seizures, des-
4 ignations, and other actions against individuals or
5 entities found to have engaged in financial support
6 of terrorism;

7 “(2) the total number of applications for asset
8 seizure and designations of individuals or entities
9 suspected of having engaged in financial support of
10 terrorist activities, that were granted, modified, or
11 denied;

12 “(3) the total number of physical searches of
13 offices, residences, or financial records of individuals
14 or entities suspected of having engaged in financial
15 support for terrorist activity; and

16 “(4) whether the financial intelligence informa-
17 tion seized in these cases has been shared on a full
18 and timely basis with the all departments, agencies,
19 and other entities of the United States Government
20 involved in intelligence activities participating in the
21 Foreign Terrorist Asset Tracking Unit (managed
22 and coordinated by the Counterterrorism Center of
23 the Central Intelligence Agency).

24 “(b) IMMEDIATE NOTIFICATION FOR EMERGENCY
25 DESIGNATION.—In the case of a designation of an indi-

1 vidual or entity, or the assets of an individual or entity,
2 as having been found to have engaged in terrorist activi-
3 ties, the Secretary of the Treasury shall report such des-
4 ignation within 24 hours of such a designation to the ap-
5 propriate congressional committees.

6 “(c) DEFINITION.—In this section, the term ‘appro-
7 priate congressional committees’ means the following:

8 “(1) The Permanent Select Committee on Intel-
9 ligence, the Committee on Appropriations, and the
10 Committee on Financial Services of the House of
11 Representatives.

12 “(2) The Select Committee on Intelligence, the
13 Committee on Appropriations, and the Committee on
14 Banking, Housing, and Urban Affairs of the Sen-
15 ate.”.

16 (2) CLERICAL AMENDMENT.—The table of con-
17 tents contained in the first section of such Act is
18 amended by inserting after the item relating to sec-
19 tion 117 the following new item:

“Sec. 118. Semiannual report on financial intelligence on terrorist assets.”.

20 (b) CONFORMING AMENDMENT.—Section 501(f) of
21 the National Security Act of 1947 (50 U.S.C. 413(f)) is
22 amended by inserting before the period the following: “,
23 and includes financial intelligence activities”.

1 **SEC. 305. MODIFICATION OF EXCEPTED AGENCY VOL-**
2 **UNTARY LEAVE TRANSFER AUTHORITY.**

3 (a) IN GENERAL.—Section 6339 of title 5, United
4 States Code, is amended—

5 (1) by striking subsection (b);

6 (2) by redesignating subsection (c) as sub-
7 section (b); and

8 (3) by inserting after subsection (b) (as so re-
9 designated by paragraph (2)) the following:

10 “(c)(1) Notwithstanding any provision of subsection
11 (b), the head of an excepted agency may, at his sole discre-
12 tion, by regulation establish a program under which an
13 individual employed in or under such excepted agency may
14 participate in a leave transfer program established under
15 the provisions of this subchapter outside of this section,
16 including provisions permitting the transfer of annual
17 leave accrued or accumulated by such employee to, or per-
18 mitting such employee to receive transferred leave from,
19 an employee of any other agency (including another ex-
20 cepted agency having a program under this subsection).

21 “(2) To the extent practicable and consistent with the
22 protection of intelligence sources and methods, any pro-
23 gram established under paragraph (1) shall be consistent
24 with the provisions of this subchapter outside of this sec-
25 tion and with any regulations issued by the Office of Per-
26 sonnel Management implementing this subchapter.”.

1 (b) CONFORMING AMENDMENTS.—Section 6339 of
2 such title is amended—

3 (1) in paragraph (2) of subsection (b) (as so re-
4 designated by subsection (a)(2)), by striking “under
5 this section” and inserting “under this subsection”;
6 and

7 (2) in subsection (d), by striking “of Personnel
8 Management”.

9 **SEC. 306. ADDITIONAL ONE-YEAR SUSPENSION OF REORGA-**
10 **NIZATION OF DIPLOMATIC TELECOMMUNI-**
11 **CATIONS SERVICE PROGRAM OFFICE.**

12 Section 311 of the Intelligence Authorization Act for
13 Fiscal Year 2002 (Public Law 107–108; 22 U.S.C. 7301
14 note; 115 Stat. 1401) is amended—

15 (1) in the heading, by striking “ONE-YEAR”
16 and inserting “TWO-YEAR”; and

17 (2) in the text, by striking “October 1, 2002”
18 and inserting “October 1, 2003”.

19 **SEC. 307. PROHIBITION ON COMPLIANCE WITH REQUESTS**
20 **FOR INFORMATION SUBMITTED BY FOREIGN**
21 **GOVERNMENTS.**

22 Section 552(a)(3) of title 5, United States Code, is
23 amended—

1 (1) in subparagraph (A) by inserting “and ex-
2 cept as provided in subparagraph (E),” after “of
3 this subsection,”; and

4 (2) by adding at the end the following:

5 “(E) An agency, or part of an agency, that is an ele-
6 ment of the intelligence community (as that term is de-
7 fined in section 3(4) of the National Security Act of 1947
8 (50 U.S.C. 401a(4))) shall not make any record available
9 under this paragraph to—

10 “(i) any government entity, other than a State,
11 territory, commonwealth, or district of the United
12 States, or any subdivision thereof; or

13 “(ii) a representative of a government entity de-
14 scribed in clause (i).”.

15 **SEC. 308. COOPERATIVE RELATIONSHIP BETWEEN THE NA-**
16 **TIONAL SECURITY EDUCATION PROGRAM**
17 **AND THE FOREIGN LANGUAGE CENTER OF**
18 **THE DEFENSE LANGUAGE INSTITUTE.**

19 Section 802 of the David L. Boren National Security
20 Education Act of 1991 (50 U.S.C. 1902) is amended by
21 adding at the end the following new subsection:

22 “(h) USE OF AWARDS TO ATTEND THE FOREIGN
23 LANGUAGE CENTER OF THE DEFENSE LANGUAGE INSTI-
24 TUTE.—(1) The Secretary shall provide for the admission
25 of award recipients to the Foreign Language Center of

1 the Defense Language Institute (hereinafter in this sub-
2 section referred to as the ‘Center’). An award recipient
3 may apply a portion of the applicable scholarship or fellow-
4 ship award for instruction at the Center on a space-avail-
5 able basis as a Department of Defense sponsored program
6 to defray the additive instructional costs.

7 “(2) Except as the Secretary determines necessary,
8 an award recipient who receives instruction at the Center
9 shall be subject to the same regulations with respect to
10 attendance, discipline, discharge, and dismissal as apply
11 to other persons attending the Center.

12 “(3) In this subsection, the term ‘award recipient’
13 means an undergraduate student who has been awarded
14 a scholarship under subsection (a)(1)(A) or a graduate
15 student who has been a fellowship under subsection
16 (a)(1)(B) who—

17 “(A) is in good standing;

18 “(B) has completed all academic study in a for-
19 eign country, as provided for under the scholarship
20 or fellowship; and

21 “(C) would benefit from instruction provided at
22 the Center.”.

1 **SEC. 309. ESTABLISHMENT OF NATIONAL FLAGSHIP LAN-**
2 **GUAGE INITIATIVE WITHIN THE NATIONAL**
3 **SECURITY EDUCATION PROGRAM.**

4 (a) NATIONAL FLAGSHIP LANGUAGE INITIATIVE.—

5 (1) EXPANSION OF GRANT PROGRAM AUTHOR-
6 ITY.—Subsection (a)(1) of section 802 of the David
7 L. Boren National Security Education Act of 1991
8 (50 U.S.C. 1902) is amended—

9 (A) by striking “and” at the end of sub-
10 paragraph (B)(ii);

11 (B) by striking the period at the end of
12 subparagraph (C) and inserting “; and”; and

13 (C) by adding at the end the following new
14 subparagraph:

15 “(D) awarding grants to institutions of
16 higher education to carry out a National Flag-
17 ship Language Initiative (described in sub-
18 section (i)).”.

19 (2) PROVISIONS OF NATIONAL FLAGSHIP LAN-
20 GUAGE INITIATIVE.—Such section, as amended by
21 section 308, is further amended by adding at the
22 end the following new subsection:

23 “(i) NATIONAL FLAGSHIP LANGUAGE INITIATIVE.—

24 (1) Under the National Flagship Language Initiative, in-
25 stitutions of higher learning shall establish, operate, or im-
26 prove activities designed to train students in programs in

1 a range of disciplines to achieve advanced levels of pro-
2 ficiency in those foreign languages that the Secretary iden-
3 tifies as being the most critical in the interests of the na-
4 tional security of the United States.

5 “(2) An undergraduate student who has been award-
6 ed a scholarship under subsection (a)(1)(A) or a graduate
7 student who has been awarded a fellowship under sub-
8 section (a)(1)(B) may participate in the activities carried
9 out under the National Flagship Language Initiative.

10 “(3) An institution of higher education that receives
11 a grant pursuant to subsection (a)(1)(D) shall give special
12 consideration to applicants who are employees of the Fed-
13 eral Government.

14 “(4) For purposes of this subsection, the Foreign
15 Language Center of the Defense Language Institute and
16 any other educational institution that provides training in
17 foreign languages operated by the Department of Defense
18 or an agency in the intelligence community is deemed to
19 be an institution of higher education, and may carry out
20 the types of activities permitted under the National Flag-
21 ship Language Initiative.”.

22 (3) WAIVER OF FUNDING ALLOCATION
23 RULES.—Subsection (a)(2) of such section is amend-
24 ed by adding at the end the following flush sen-
25 tences:

1 “The funding allocation under this paragraph shall
2 not apply to grants under paragraph (1)(D) for the
3 National Flagship Language Initiative described in
4 subsection (i). For the authorization of appropria-
5 tions for the National Flagship Language Initiative,
6 see section 811.”.

7 (4) BOARD REQUIREMENT.—Section 803(d)(4)
8 of such Act (50 U.S.C. 1904(d)(4)) is amended—

9 (A) by striking “and” at the end of sub-
10 paragraph (C);

11 (B) by striking the period at the end of
12 subparagraph (D) and inserting “; and”; and

13 (C) by adding at the end the following new
14 subparagraph:

15 “(E) which foreign languages are critical
16 to the national security interests of the United
17 States for purposes of section 802(a)(1)(D) (re-
18 lating to grants for the National Flagship Lan-
19 guage Initiative).”.

20 (b) FUNDING.—The David L. Boren National Secu-
21 rity Education Act of 1991 (50 U.S.C. 1901 et seq.) is
22 amended by adding at the end the following new section:

1 **“SEC. 811. ADDITIONAL ANNUAL AUTHORIZATION OF AP-**
2 **PROPRIATIONS.**

3 “(a) IN GENERAL.—In addition to amounts that may
4 be made available to the Secretary under the National Se-
5 curity Education Trust Fund (under section 804 of this
6 Act) for a fiscal year, there is authorized to be appro-
7 priated to the Secretary for each fiscal year, beginning
8 with fiscal year 2003, \$10,000,000, to carry out the grant
9 program for the National Flagship Language Initiative
10 under section 802(a)(1)(D).

11 “(b) AVAILABILITY OF APPROPRIATED FUNDS.—
12 Amounts appropriated pursuant to the authorization
13 under subsection (a) shall remain available until ex-
14 pended.”.

15 **SEC. 310. DEADLINE FOR SUBMITTAL OF VARIOUS OVER-**
16 **DUE REPORTS.**

17 (a) DEADLINE.—The reports described in subsection
18 (c) shall be submitted to Congress not later than 180 days
19 after the date of the enactment of this Act.

20 (b) NONCOMPLIANCE.—(1) If all the reports de-
21 scribed in subsection (c) are not submitted to Congress
22 by the date specified in subsection (a), amounts available
23 to be obligated or expended after that date to carry out
24 the functions or duties of the following offices shall be re-
25 duced by $\frac{1}{3}$:

1 (A) The Office of the Director of Central Intel-
2 ligence.

3 (B) The Office of Community Management
4 Staff.

5 (2) The reduction applicable under paragraph (1)
6 shall not apply if the Director of Central Intelligence cer-
7 tifies to Congress by the date referred to in subsection
8 (a) that all reports referred to in subsection (c) have been
9 submitted to Congress.

10 (c) REPORTS DESCRIBED.—The reports referred to
11 in subsection (a) are reports mandated by law for which
12 the Director of Central Intelligence has sole or primary
13 responsibility to prepare, or coordinate, and submit to
14 Congress which, as of the date of the enactment of this
15 Act, have not been submitted to Congress by the date
16 mandated by law.

17 **SEC. 311. REPORT ON ESTABLISHMENT OF A CIVILIAN LIN-**
18 **GUIST RESERVE CORPS.**

19 (a) REPORT.—The Secretary of Defense, acting
20 through the Director of the National Security Education
21 Program, shall prepare a report on the feasibility of estab-
22 lishing a Civilian Linguist Reserve Corps comprised of in-
23 dividuals with advanced levels of proficiency in foreign lan-
24 guages who are United States citizens who would be avail-
25 able upon a call of the President to perform such service

1 or duties with respect to such foreign languages in the
2 Federal Government as the President may specify. In pre-
3 paring the report, the Secretary shall consult with such
4 organizations having expertise in training in foreign lan-
5 guages as the Secretary determines appropriate.

6 (b) MATTERS CONSIDERED.—

7 (1) IN GENERAL.—In conducting the study, the
8 Secretary shall develop a proposal for the structure
9 and operations of the Civilian Linguist Reserve
10 Corps. The proposal shall establish requirements for
11 performance of duties and levels of proficiency in
12 foreign languages of the members of the Civilian
13 Linguist Reserve Corps, including maintenance of
14 language skills and specific training required for
15 performance of duties as a linguist of the Federal
16 Government, and shall include recommendations on
17 such other matters as the Secretary determines ap-
18 propriate.

19 (2) CONSIDERATION OF USE OF DEFENSE LAN-
20 GUAGE INSTITUTE AND LANGUAGE REGISTRIES.—In
21 developing the proposal under paragraph (1), the
22 Secretary shall consider the appropriateness of
23 using—

24 (A) the Defense Language Institute to
25 conduct testing for language skills proficiency

1 and performance, and to provide language re-
2 fresher courses; and

3 (B) foreign language skill registries of the
4 Department of Defense or of other agencies or
5 departments of the United States to identify in-
6 dividuals with sufficient proficiency in foreign
7 languages.

8 (3) CONSIDERATION OF THE MODEL OF THE
9 RESERVE COMPONENTS OF THE ARMED FORCES.—
10 In developing the proposal under paragraph (1), the
11 Secretary shall consider the provisions of title 10,
12 United States Code, establishing and governing serv-
13 ice in the Reserve Components of the Armed Forces,
14 as a model for the Civilian Linguist Reserve Corps.

15 (c) COMPLETION OF REPORT.—Not later than 6
16 months after the date of the enactment of this Act, the
17 Secretary shall submit to Congress the report prepared
18 under subsection (a).

19 (d) AUTHORIZATION OF APPROPRIATIONS.—There
20 are authorized to be appropriated to the Secretary of De-
21 fense \$300,000 to carry out this section.

1 **SEC. 312. ANNUAL REPORT ON HIRING AND RETENTION OF**
2 **MINORITY EMPLOYEES IN THE INTEL-**
3 **LIGENCE COMMUNITY.**

4 Section 114 of the National Security Act of 1947 (50
5 U.S.C. 404i) is amended—

6 (1) by redesignating subsection (c) as sub-
7 section (d); and

8 (2) by inserting after subsection (b) the fol-
9 lowing new subsection:

10 “(c) ANNUAL REPORT ON HIRING AND RETENTION
11 OF MINORITY EMPLOYEES.—(1) The Director of Central
12 Intelligence shall, on an annual basis, submit to Congress
13 a report on the employment of covered persons within each
14 element of the intelligence community for the preceding
15 fiscal year.

16 “(2) Each such report shall include disaggregated
17 data by category of covered person from each element of
18 the intelligence community on the following:

19 “(A) Of all individuals employed in the element
20 during the fiscal year involved, the aggregate per-
21 centage of such individuals who are covered persons.

22 “(B) Of all individuals employed in the element
23 during the fiscal year involved at the levels referred
24 to in clauses (i) and (ii), the percentage of covered
25 persons employed at such levels:

1 “(i) Positions at levels 1 through 15 of the
2 General Schedule.

3 “(ii) Positions at levels above GS–15.

4 “(C) Of individuals hired by the head of the ele-
5 ment involved during the fiscal year involved, the
6 percentage of such individuals who are covered per-
7 sons.

8 “(3) Each such report shall be submitted in unclassi-
9 fied form, but may contain a classified annex.

10 “(4) Nothing in this subsection shall be construed as
11 providing for the substitution of any similar report re-
12 quired under another provision of law.

13 “(5) In this subsection, the term ‘covered persons’
14 means—

15 “(A) racial and ethnic minorities,

16 “(B) women, and

17 “(C) individuals with disabilities.”.

18 **SEC. 313. SENSE OF CONGRESS ON DIVERSITY IN THE**
19 **WORKFORCE OF INTELLIGENCE COMMUNITY**
20 **AGENCIES.**

21 (a) FINDINGS.—Congress finds the following:

22 (1) The United States is engaged in a war
23 against terrorism that requires the active participa-
24 tion of the intelligence community.

1 (2) Certain intelligence agencies, among them
2 the Federal Bureau of Investigation and the Central
3 Intelligence Agency, have announced that they will
4 be hiring several hundred new agents to help con-
5 duct the war on terrorism.

6 (3) Former Directors of the Federal Bureau of
7 Investigation, the Central Intelligence Agency, the
8 National Security Agency, and the Defense Intel-
9 ligence Agency have stated that a more diverse intel-
10 ligence community would be better equipped to gath-
11 er and analyze information on diverse communities.

12 (4) The Central Intelligence Agency and the
13 National Security Agency were authorized to estab-
14 lish an undergraduate training program for the pur-
15 pose of recruiting and training minority operatives
16 in 1987.

17 (5) The Defense Intelligence Agency was au-
18 thorized to establish an undergraduate training pro-
19 gram for the purpose of recruiting and training mi-
20 nority operatives in 1988.

21 (6) The National Imagery and Mapping Agency
22 was authorized to establish an undergraduate train-
23 ing program for the purpose of recruiting and train-
24 ing minority operatives in 2000.

1 (b) SENSE OF CONGRESS.—It is the sense of Con-
2 gress that—

3 (1) the Director of the Federal Bureau of In-
4 vestigation (with respect to the intelligence and in-
5 telligence-related activities of the Bureau), the Di-
6 rector of Central Intelligence, the Director of the
7 National Security Agency, and the Director of the
8 Defense Intelligence Agency should make the cre-
9 ation of a more diverse workforce a priority in hiring
10 decisions; and

11 (2) the Director of Central Intelligence, the Di-
12 rector of National Security Agency, the Director of
13 Defense Intelligence Agency, and the Director of
14 National Imagery and Mapping Agency should in-
15 crease their minority recruitment efforts through the
16 undergraduate training program provided for under
17 law.

18 **TITLE IV—CENTRAL** 19 **INTELLIGENCE AGENCY**

20 **SEC. 401. TWO-YEAR EXTENSION OF CENTRAL INTEL-**
21 **LIGENCE AGENCY VOLUNTARY SEPARATION**
22 **PAY ACT.**

23 Section 2 of the Central Intelligence Agency Vol-
24 untary Separation Pay Act (50 U.S.C. 403–4 note) is
25 amended—

1 (1) in subsection (f), by striking “September
 2 30, 2003” and inserting “September 30, 2005”; and
 3 (2) in subsection (i), by striking “or 2003” and
 4 inserting “2003, 2004, or 2005”.

5 **SEC. 402. PROHIBITION ON IMPLEMENTATION OF COM-**
 6 **PENSATION REFORM PLAN.**

7 No plan by the Director of Central Intelligence that
 8 would revise the manner in which employees of the Central
 9 Intelligence Agency, or employees of other elements of the
 10 United States Government that conduct intelligence and
 11 intelligence-related activities, are compensated may be im-
 12 plemented until the plan has been specifically authorized
 13 by statute.

14 **TITLE V—DEPARTMENT OF DE-**
 15 **FENSE INTELLIGENCE AC-**
 16 **TIVITIES**

17 **SEC. 501. USE OF FUNDS FOR COUNTER-DRUG AND**
 18 **COUNTERTERRORISM ACTIVITIES FOR CO-**
 19 **LOMBIA.**

20 (a) **AUTHORITY.**—Funds designated for intelligence
 21 or intelligence-related purposes for assistance to the Gov-
 22 ernment of Colombia for counter-drug activities for fiscal
 23 years 2002 and 2003, and any unobligated funds available
 24 to any element of the intelligence community for such ac-
 25 tivities for a prior fiscal year, shall be available to support

1 a unified campaign against narcotics trafficking and
2 against activities by organizations designated as terrorist
3 organizations (such as the Revolutionary Armed Forces of
4 Colombia (FARC), the National Liberation Army (ELN),
5 and the United Self-Defense Forces of Colombia (AUC)),
6 and to take actions to protect human health and welfare
7 in emergency circumstances, including undertaking rescue
8 operations.

9 (b) REQUIREMENT FOR CERTIFICATION.—(1) The
10 authorities provided in subsection (a) shall not be exer-
11 cised until the Secretary of Defense certifies to the Con-
12 gress that the provisions of paragraph (2) have been com-
13 plied with.

14 (2) In order to ensure effectiveness of United States
15 support for such a unified campaign, prior to the exercise
16 of the authority contained in subsection (a), the Secretary
17 of State shall report to the appropriate committees of Con-
18 gress that the newly elected President of Colombia has—

19 (A) committed, in writing, to establish
20 comprehensive policies to combat illicit drug
21 cultivation, manufacturing, and trafficking
22 (particularly with respect to providing economic
23 opportunities that offer viable alternatives to il-
24 licit crops) and to restore government authority
25 and respect for human rights in areas under

1 the effective control of paramilitary and guer-
2 rilla organizations;

3 (B) committed, in writing, to implement
4 significant budgetary and personnel reforms of
5 the Colombian Armed Forces; and

6 (C) committed, in writing, to support sub-
7 stantial additional Colombian financial and
8 other resources to implement such policies and
9 reforms, particularly to meet the country's pre-
10 vious commitments under "Plan Colombia".

11 In this paragraph, the term "appropriate committees of
12 Congress" means the Permanent Select Committee on In-
13 telligence and the Committee on Appropriations of the
14 House of Representatives and the Select Committee on In-
15 telligence and the Committee on Appropriations of the
16 Senate.

17 (c) TERMINATION OF AUTHORITY.—The authority
18 provided in subsection (a) shall cease to be effective if the
19 Secretary of Defense has credible evidence that the Colom-
20 bian Armed Forces are not conducting vigorous operations
21 to restore government authority and respect for human
22 rights in areas under the effective control of paramilitary
23 and guerrilla organizations.

24 (d) APPLICATION OF CERTAIN PROVISIONS OF
25 LAW.—Sections 556, 567, and 568 of Public Law 107–

1 115, section 8093 of the Department of Defense Appro-
 2 priations Act, 2002, and the numerical limitations on the
 3 number of United States military personnel and United
 4 States individual civilian contractors in section 3204(b)(1)
 5 of Public Law 106–246 shall be applicable to funds made
 6 available pursuant to the authority contained in subsection
 7 (a).

8 (e) LIMITATION ON PARTICIPATION OF UNITED
 9 STATES PERSONNEL.—No United States Armed Forces
 10 personnel or United States civilian contractor employed by
 11 the United States will participate in any combat operation
 12 in connection with assistance made available under this
 13 section, except for the purpose of acting in self defense
 14 or rescuing any United States citizen to include United
 15 States Armed Forces personnel, United States civilian em-
 16 ployees, and civilian contractors employed by the United
 17 States.

18 **SEC. 502. PROTECTION OF OPERATIONAL FILES OF THE NA-**
 19 **TIONAL RECONNAISSANCE OFFICE.**

20 (a) IN GENERAL.—Title I of the National Security
 21 Act of 1947 (50 U.S.C. 401 et seq.) is amended by insert-
 22 ing after section 105C (50 U.S.C. 403–5c) the following
 23 new section:

1 “PROTECTION OF OPERATIONAL FILES OF THE NATIONAL
2 RECONNAISSANCE OFFICE

3 “SEC. 105D. (a) EXEMPTION OF CERTAIN OPER-
4 ATIONAL FILES FROM SEARCH, REVIEW, PUBLICATION,
5 OR DISCLOSURE.—(1) The Director of the National Re-
6 connaissance Office, with the coordination of the Director
7 of Central Intelligence, may exempt operational files of the
8 National Reconnaissance Office from the provisions of sec-
9 tion 552 of title 5, United States Code, which require pub-
10 lication, disclosure, search, or review in connection there-
11 with.

12 “(2)(A) Subject to subparagraph (B), for the pur-
13 poses of this section, the term ‘operational files’ means
14 files of the National Reconnaissance Office (hereafter in
15 this section referred to as ‘NRO’) that document the
16 means by which foreign intelligence or counterintelligence
17 is collected through scientific and technical systems.

18 “(B) Files which are the sole repository of dissemi-
19 nated intelligence are not operational files.

20 “(3) Notwithstanding paragraph (1), exempted oper-
21 ational files shall continue to be subject to search and re-
22 view for information concerning—

23 “(A) United States citizens or aliens lawfully
24 admitted for permanent residence who have re-
25 quested information on themselves pursuant to the

1 provisions of section 552 or 552a of title 5, United
2 States Code;

3 “(B) any special activity the existence of which
4 is not exempt from disclosure under the provisions
5 of section 552 of title 5, United States Code; or

6 “(C) the specific subject matter of an investiga-
7 tion by any of the following for any impropriety, or
8 violation of law, Executive order, or Presidential di-
9 rective, in the conduct of an intelligence activity:

10 “(i) The Permanent Select Committee on
11 Intelligence of the House of Representatives.

12 “(ii) The Select Committee on Intelligence
13 of the Senate.

14 “(iii) The Intelligence Oversight Board.

15 “(iv) The Department of Justice.

16 “(v) The Office of General Counsel of
17 NRO.

18 “(vi) The Office of the Director of NRO.

19 “(4)(A) Files that are not exempted under paragraph
20 (1) which contain information derived or disseminated
21 from exempted operational files shall be subject to search
22 and review.

23 “(B) The inclusion of information from exempted
24 operational files in files that are not exempted under para-
25 graph (1) shall not affect the exemption under paragraph

1 (1) of the originating operational files from search, review,
2 publication, or disclosure.

3 “(C) The declassification of some of the information
4 contained in exempted operational files shall not affect the
5 status of the operational file as being exempt from search,
6 review, publication, or disclosure.

7 “(D) Records from exempted operational files which
8 have been disseminated to and referenced in files that are
9 not exempted under paragraph (1) and which have been
10 returned to exempted operational files for sole retention
11 shall be subject to search and review.

12 “(5) The provisions of paragraph (1) may not be su-
13 perseded except by a provision of law which is enacted
14 after the date of the enactment of this section, and which
15 specifically cites and repeals or modifies its provisions.

16 “(6)(A) Except as provided in subparagraph (B),
17 whenever any person who has requested agency records
18 under section 552 of title 5, United States Code, alleges
19 that NRO has withheld records improperly because of fail-
20 ure to comply with any provision of this section, judicial
21 review shall be available under the terms set forth in sec-
22 tion 552(a)(4)(B) of title 5, United States Code.

23 “(B) Judicial review shall not be available in the
24 manner provided for under subparagraph (A) as follows:

1 “(i) In any case in which information specifi-
2 cally authorized under criteria established by an Ex-
3 ecutive order to be kept secret in the interests of na-
4 tional defense or foreign relations is filed with, or
5 produced for, the court by NRO, such information
6 shall be examined ex parte, in camera by the court.

7 “(ii) The court shall, to the fullest extent prac-
8 ticable, determine the issues of fact based on sworn
9 written submissions of the parties.

10 “(iii) When a complainant alleges that re-
11 quested records are improperly withheld because of
12 improper placement solely in exempted operational
13 files, the complainant shall support such allegation
14 with a sworn written submission based upon per-
15 sonal knowledge or otherwise admissible evidence.

16 “(iv)(I) When a complainant alleges that re-
17 quested records were improperly withheld because of
18 improper exemption of operational files, NRO shall
19 meet its burden under section 552(a)(4)(B) of title
20 5, United States Code, by demonstrating to the
21 court by sworn written submission that exempted
22 operational files likely to contain responsible records
23 currently perform the functions set forth in para-
24 graph (2).

1 “(II) The court may not order NRO to review
2 the content of any exempted operational file or files
3 in order to make the demonstration required under
4 subclause (I), unless the complainant disputes
5 NRO’s showing with a sworn written submission
6 based on personal knowledge or otherwise admissible
7 evidence.

8 “(v) In proceedings under clauses (iii) and (iv),
9 the parties may not obtain discovery pursuant to
10 rules 26 through 36 of the Federal Rules of Civil
11 Procedure, except that requests for admissions may
12 be made pursuant to rules 26 and 36.

13 “(vi) If the court finds under this paragraph
14 that NRO has improperly withheld requested records
15 because of failure to comply with any provision of
16 this subsection, the court shall order NRO to search
17 and review the appropriate exempted operational file
18 or files for the requested records and make such
19 records, or portions thereof, available in accordance
20 with the provisions of section 552 of title 5, United
21 States Code, and such order shall be the exclusive
22 remedy for failure to comply with this subsection.

23 “(vii) If at any time following the filing of a
24 complaint pursuant to this paragraph NRO agrees
25 to search the appropriate exempted operational file

1 or files for the requested records, the court shall dis-
2 miss the claim based upon such complaint.

3 “(viii) Any information filed with, or produced
4 for the court pursuant to clauses (i) and (iv) shall
5 be coordinated with the Director of Central Intel-
6 ligence prior to submission to the court.

7 “(b) DECENNIAL REVIEW OF EXEMPTED OPER-
8 ATIONAL FILES.—(1) Not less than once every 10 years,
9 the Director of the National Reconnaissance Office and
10 the Director of Central Intelligence shall review the ex-
11 emptions in force under subsection (a)(1) to determine
12 whether such exemptions may be removed from the cat-
13 egory of exempted files or any portion thereof. The Direc-
14 tor of Central Intelligence must approve any determina-
15 tion to remove such exemptions.

16 “(2) The review required by paragraph (1) shall in-
17 clude consideration of the historical value or other public
18 interest in the subject matter of the particular category
19 of files or portions thereof and the potential for declas-
20 sifying a significant part of the information contained
21 therein.

22 “(3) A complainant that alleges that NRO has im-
23 properly withheld records because of failure to comply with
24 this subsection may seek judicial review in the district
25 court of the United States of the district in which any

1 of the parties reside, or in the District of Columbia. In
 2 such a proceeding, the court’s review shall be limited to
 3 determining the following:

4 “(A) Whether NRO has conducted the review
 5 required by paragraph (1) before the expiration of
 6 the 10-year period beginning on the date of the en-
 7 actment of this section or before the expiration of
 8 the 10-year period beginning on the date of the most
 9 recent review.

10 “(B) Whether NRO, in fact, considered the cri-
 11 teria set forth in paragraph (2) in conducting the re-
 12 quired review.”.

13 (b) CLERICAL AMENDMENT.—The table of contents
 14 contained in the first section of such Act is amended by
 15 inserting after the item relating to section 105C the fol-
 16 lowing new item:

“Sec. 105D. Protection of operational files of the National Reconnaissance Of-
 fice.”.

17 **SEC. 503. ELIGIBILITY OF EMPLOYEES IN INTELLIGENCE**
 18 **SENIOR LEVEL POSITIONS FOR PRESI-**
 19 **DENTIAL RANK AWARDS.**

20 Section 1607 of title 10, United States Code, is
 21 amended by adding at the end the following new sub-
 22 section:

23 “(c) AWARD OF RANK TO EMPLOYEES IN INTEL-
 24 LIGENCE SENIOR LEVEL POSITIONS.—The President,

1 based on the recommendations of the Secretary of De-
2 fense, may award a rank referred to in section 4507a of
3 title 5 to employees in Intelligence Senior Level positions
4 designated under subsection (a). The award of such rank
5 shall be made in a manner consistent with the provisions
6 of that section.”.

7 **TITLE VI—NATIONAL COMMIS-**
8 **SION ON TERRORIST AT-**
9 **TACKS UPON THE UNITED**
10 **STATES**

11 **SEC. 601. ESTABLISHMENT OF COMMISSION.**

12 There is established the National Commission on
13 Terrorist Attacks Upon the United States (in this title re-
14 ferred to as the “Commission”).

15 **SEC. 602. COMPOSITION OF THE COMMISSION.**

16 (a) MEMBERS.—Subject to the requirements of sub-
17 section (b), the Commission shall be composed of 10 mem-
18 bers, of whom—

19 (1) 3 members shall be appointed by the major-
20 ity leader of the Senate;

21 (2) 3 members shall be appointed by the Speak-
22 er of the House of Representatives;

23 (3) 2 members shall be appointed by the minor-
24 ity leader of the Senate; and

1 (4) 2 members shall be appointed by the minor-
2 ity leader of the House of Representatives.

3 (b) QUALIFICATIONS.—

4 (1) POLITICAL PARTY AFFILIATION.—Not more
5 than 5 members of the Commission shall be from
6 the same political party.

7 (2) NONGOVERNMENTAL APPOINTEES.—No
8 member of the Commission shall be an officer or em-
9 ployee of the Federal Government or any State or
10 local government.

11 (3) OTHER QUALIFICATIONS.—It is the sense of
12 Congress that individuals appointed to the Commis-
13 sion should be prominent United States citizens,
14 with national recognition and significant depth of ex-
15 perience in such professions as governmental service
16 and intelligence gathering.

17 (4) REPRESENTATION OF FAMILY MEMBERS OF
18 VICTIMS OF TERRORIST ATTACKS.—Of the members
19 appointed under paragraphs (1) and (2) of sub-
20 section (a), at least one member appointed under
21 each such paragraph shall be a member of the fam-
22 ily, or a representative designated by such a family
23 or families, of an individual who died in the terrorist
24 attacks against the United States which occurred on
25 September 11, 2001.

1 (c) CHAIRPERSON; VICE CHAIRPERSON.—

2 (1) IN GENERAL.—Subject to the requirement
3 of paragraph (2), the Chairperson and Vice Chair-
4 person of the Commission shall be elected by the
5 members.

6 (2) POLITICAL PARTY AFFILIATION.—The
7 Chairperson and Vice Chairperson shall not be from
8 the same political party.

9 (d) INITIAL MEETING.—If 60 days after the date of
10 enactment of this Act, 6 or more members of the Commis-
11 sion have been appointed, those members who have been
12 appointed may meet and, if necessary, select a temporary
13 Chairperson and Vice Chairperson, who may begin the op-
14 erations of the Commission, including the hiring of staff.

15 (e) QUORUM; VACANCIES.—After its initial meeting,
16 the Commission shall meet upon the call of the Chair-
17 person or a majority of its members. Six members of the
18 Commission shall constitute a quorum. Any vacancy in the
19 Commission shall not affect its powers, but shall be filled
20 in the same manner in which the original appointment was
21 made.

22 **SEC. 603. FUNCTIONS OF THE COMMISSION.**

23 (a) IN GENERAL.—The functions of the Commission
24 are to—

1 (1) review the implementation by the intel-
2 ligence community of the findings, conclusions, and
3 recommendations of—

4 (A) the Joint Inquiry of the Select Com-
5 mittee on Intelligence of the Senate and the
6 Permanent Select Committee on Intelligence of
7 the House of Representatives regarding the ter-
8 rorist attacks against the United States which
9 occurred on September 11, 2001;

10 (B) other reports and investigations of the
11 House Permanent Select Committee on Intel-
12 ligence of the House of Representatives and the
13 Senate Select Committee on Intelligence of the
14 Senate; and

15 (C) other such executive branch, congres-
16 sional, or independent commission investiga-
17 tions of such the terrorist attacks or the intel-
18 ligence community;

19 (2) make recommendations on additional ac-
20 tions for implementation of the findings, rec-
21 ommendations and conclusions referred to in para-
22 graph (1);

23 (3) review resource allocation and other
24 prioritizations of the intelligence community for
25 counterterrorism and make recommendations for

1 such changes in those allocations and prioritization
2 to ensure that counterterrorism receives sufficient
3 attention and support from the intelligence commu-
4 nity;

5 (4) review and recommend changes to the orga-
6 nization of the intelligence community, in particular
7 the division of agencies under the jurisdiction of the
8 Secretary of Defense and the Director of Central In-
9 telligence, the dual responsibilities of the Director of
10 Central Intelligence as head of the intelligence com-
11 munity and as head of the Central Intelligence
12 Agency, and the separation of agencies with respon-
13 sibility for intelligence collection, analysis, and dis-
14 semination; and

15 (5) determine what technologies, procedures,
16 and capabilities are needed for the intelligence com-
17 munity to effectively support and conduct future
18 counterterrorism missions, and recommend how
19 these capabilities should be developed, acquired, or
20 both from entities outside the intelligence commu-
21 nity, including from private entities.

22 (b) DEFINITION OF INTELLIGENCE COMMUNITY.—In
23 this section, the term “intelligence community” means—

24 (1) the Office of the Director of Central Intel-
25 ligence, which shall include the Office of the Deputy

1 Director of Central Intelligence and the National In-
2 telligence Council;

3 (2) the Central Intelligence Agency;

4 (3) the National Security Agency;

5 (4) the Defense Intelligence Agency;

6 (5) the National Imagery and Mapping Agency

7 (6) the National Reconnaissance Office;

8 (7) other offices within the Department of De-
9 fense for the collection of specialized national intel-
10 ligence through reconnaissance programs;

11 (8) the intelligence elements of the Army, the
12 Navy, the Air Force, the Marine Corps, the Federal
13 Bureau of Investigation, the Department of the
14 Treasury, the Department of Energy, and the Coast
15 Guard;

16 (9) the Bureau of Intelligence and Research of
17 the Department of State; and

18 (10) such other elements of any other depart-
19 ment or agency as are designated by the President,
20 or designated jointly by the Director of Central In-
21 telligence and the head of the department or agency
22 concerned, as an element of the intelligence commu-
23 nity under section 3(4)(J) of the National Security
24 Act of 1947 (50 U.S.C. 401a(4)(J)).

1 **SEC. 604. POWERS OF THE COMMISSION.**

2 (a) HEARINGS AND EVIDENCE.—The Commission
3 may, for purposes of carrying out this title—

4 (1) hold hearings, sit and act at times and
5 places, take testimony, receive evidence, and admin-
6 ister oaths; and

7 (2) require, by subpoena or otherwise, the at-
8 tendance and testimony of witnesses and the produc-
9 tion of books, records, correspondence, memoranda,
10 papers, and documents.

11 (b) SUBPOENAS.—

12 (1) SERVICE.—Subpoenas issued under sub-
13 section (a)(2) may be served by any person des-
14 ignated by the Commission.

15 (2) ENFORCEMENT.—

16 (A) IN GENERAL.—In the case of contu-
17 macy or failure to obey a subpoena issued
18 under subsection (a)(2), the United States dis-
19 trict court for the judicial district in which the
20 subpoenaed person resides, is served, or may be
21 found, or where the subpoena is returnable,
22 may issue an order requiring such person to ap-
23 pear at any designated place to testify or to
24 produce documentary or other evidence. Any
25 failure to obey the order of the court may be

1 punished by the court as a contempt of that
2 court.

3 (B) ADDITIONAL ENFORCEMENT.—Sec-
4 tions 102 through 104 of the Revised Statutes
5 of the United States (2 U.S.C. 192 through
6 194) shall apply in the case of any failure of
7 any witness to comply with any subpoena or to
8 testify when summoned under authority of this
9 section.

10 (c) CLOSED MEETINGS.—Notwithstanding any other
11 provision of law which would require meetings of the Com-
12 mission to be open to the public, any portion of a meeting
13 of the Commission may be closed to the public if the Presi-
14 dent determines that such portion is likely to disclose mat-
15 ters that could endanger national security.

16 (d) CONTRACTING.—The Commission may, to such
17 extent and in such amounts as are provided in appropria-
18 tion Acts, enter into contracts to enable the Commission
19 to discharge its duties under this title.

20 (e) INFORMATION FROM FEDERAL AGENCIES.—The
21 Commission may secure directly from any department,
22 agency, or instrumentality of the United States any infor-
23 mation related to any inquiry of the Commission con-
24 ducted under this title. Each such department, agency, or
25 instrumentality shall, to the extent authorized by law, fur-

1 nish such information directly to the Commission upon re-
2 quest.

3 (f) ASSISTANCE FROM FEDERAL AGENCIES.—

4 (1) GENERAL SERVICES ADMINISTRATION.—

5 The Administrator of General Services shall provide
6 to the Commission on a reimbursable basis adminis-
7 trative support and other services for the perform-
8 ance of the Commission's functions.

9 (2) OTHER DEPARTMENTS AND AGENCIES.—In

10 addition to the assistance prescribed in paragraph
11 (1), departments and agencies of the United States
12 are authorized to provide to the Commission such
13 services, funds, facilities, staff, and other support
14 services as they may determine advisable and as may
15 be authorized by law.

16 (g) GIFTS.—The Commission may, to such extent
17 and in such amounts as are provided in appropriation
18 Acts, accept, use, and dispose of gifts or donations of serv-
19 ices or property.

20 (h) POSTAL SERVICES.—The Commission may use
21 the United States mails in the same manner and under
22 the same conditions as departments and agencies of the
23 United States.

24 (i) POWERS OF SUBCOMMITTEES, MEMBERS, AND
25 AGENTS.—Any subcommittee, member, or agent of the

1 Commission may, if authorized by the Commission, take
2 any action which the Commission is authorized to take by
3 this section.

4 **SEC. 605. STAFF OF THE COMMISSION.**

5 (a) DIRECTOR.—The Commission shall have a Direc-
6 tor who shall be appointed by the Chairperson and the
7 Vice Chairperson, acting jointly.

8 (b) STAFF.—The Chairperson, in consultation with
9 the Vice Chairperson, may appoint additional personnel as
10 may be necessary to enable the Commission to carry out
11 its functions.

12 (c) APPLICABILITY OF CERTAIN CIVIL SERVICE
13 LAWS.—The Director and staff of the Commission may
14 be appointed without regard to the provisions of title 5,
15 United States Code, governing appointments in the com-
16 petitive service, and may be paid without regard to the
17 provisions of chapter 51 and subchapter III of chapter 53
18 of such title relating to classification and General Schedule
19 pay rates, except that no rate of pay fixed under this sub-
20 section may exceed the equivalent of that payable for a
21 position at level V of the Executive Schedule under section
22 5316 of title 5, United States Code. Any individual ap-
23 pointed under subsection (a) or (b) shall be treated as an
24 employee for purposes of chapters 63, 81, 83, 84, 85, 87,
25 89, and 90 of that title.

1 (d) DETAILEES.—Any Federal Government employee
2 may be detailed to the Commission without reimbursement
3 from the Commission, and such detailee shall retain the
4 rights, status, and privileges of his or her regular employ-
5 ment without interruption.

6 (e) CONSULTANT SERVICES.—The Commission is au-
7 thorized to procure the services of experts and consultants
8 in accordance with section 3109 of title 5, United States
9 Code, but at rates not to exceed the daily rate paid a per-
10 son occupying a position at level IV of the Executive
11 Schedule under section 5315 of title 5, United States
12 Code.

13 **SEC. 606. COMPENSATION AND TRAVEL EXPENSES.**

14 (a) COMPENSATION.—Each member of the Commis-
15 sion may be compensated at not to exceed the daily equiva-
16 lent of the annual rate of basic pay in effect for a position
17 at level IV of the Executive Schedule under section 5315
18 of title 5, United States Code, for each day during which
19 that member is engaged in the actual performance of the
20 duties of the Commission.

21 (b) TRAVEL EXPENSES.—While away from their
22 homes or regular places of business in the performance
23 of services for the Commission, members of the Commis-
24 sion shall be allowed travel expenses, including per diem
25 in lieu of subsistence, in the same manner as persons em-

1 ployed intermittently in the Government service are al-
2 lowed expenses under section 5703(b) of title 5, United
3 States Code.

4 **SEC. 607. SECURITY CLEARANCES FOR COMMISSION MEM-**
5 **BERS AND STAFF.**

6 The appropriate executive departments and agencies
7 shall cooperate with the Commission in expeditiously pro-
8 viding to the Commission members and staff appropriate
9 security clearances in a manner consistent with existing
10 procedures and requirements, except that no person shall
11 be provided with access to classified information under
12 this section who would not otherwise qualify for such secu-
13 rity clearance.

14 **SEC. 608. REPORTS OF THE COMMISSION; TERMINATION.**

15 (a) INITIAL REPORT.—Not later than 1 year after
16 the date of the first meeting of the Commission, the Com-
17 mission shall submit to the President and Congress an ini-
18 tial report containing—

19 (1) such findings, conclusions, and rec-
20 ommendations for corrective measures as have been
21 agreed to by a majority of Commission members;
22 and

23 (2) such findings, conclusions, and rec-
24 ommendations regarding the scope of jurisdiction of,
25 and the allocation of jurisdiction among, the com-

1 mittees of Congress with oversight responsibilities
2 related to the scope of the investigation of the Com-
3 mission as have been agreed to by a majority of
4 Commission members.

5 (b) FINAL REPORT.—Not later than 6 months after
6 the submission of the initial report of the Commission, the
7 Commission shall submit to the President and Congress
8 a final report containing such updated findings, conclu-
9 sions, and recommendations described in paragraphs (1)
10 and (2) of subsection (a) as have been agreed to by a ma-
11 jority of Commission members.

12 (c) NONINTERFERENCE WITH CONGRESSIONAL
13 JOINT INQUIRY.—Notwithstanding subsection (a), the
14 Commission shall not submit any report of the Commis-
15 sion until a reasonable period after the conclusion of the
16 Joint Inquiry of the Select Committee on Intelligence of
17 the Senate and the Permanent Select Committee on Intel-
18 ligence of the House of Representatives regarding the ter-
19 rorist attacks against the United States which occurred
20 on September 11, 2001.

21 (d) TERMINATION.—

22 (1) IN GENERAL.—The Commission, and all the
23 authorities of this title, shall terminate 60 days after
24 the date on which the final report is submitted
25 under subsection (b).

1 (2) ADMINISTRATIVE ACTIVITIES BEFORE TER-
2 MINATION.—The Commission may use the 60-day
3 period referred to in paragraph (1) for the purpose
4 of concluding its activities, including providing testi-
5 mony to committees of Congress concerning its re-
6 ports and disseminating the second report.

7 **SEC. 609. AUTHORIZATION OF APPROPRIATIONS.**

8 There are authorized to be appropriated to the Com-
9 mission to carry out this title \$3,000,000, to remain avail-
10 able until expended.

11 **TITLE VII—INFORMATION**
12 **SHARING**

13 **SEC. 701. SHORT TITLE.**

14 This title may be cited as the “Homeland Security
15 Information Sharing Act”.

16 **SEC. 702. FINDINGS AND SENSE OF CONGRESS.**

17 (a) FINDINGS.—The Congress finds the following:

18 (1) The Federal Government is required by the
19 Constitution to provide for the common defense,
20 which includes terrorist attack.

21 (2) The Federal Government relies on State
22 and local personnel to protect against terrorist at-
23 tack.

24 (3) The Federal Government collects, creates,
25 manages, and protects classified and sensitive but

1 unclassified information to enhance homeland secu-
2 rity.

3 (4) Some homeland security information is
4 needed by the State and local personnel to prevent
5 and prepare for terrorist attack.

6 (5) The needs of State and local personnel to
7 have access to relevant homeland security informa-
8 tion to combat terrorism must be reconciled with the
9 need to preserve the protected status of such infor-
10 mation and to protect the sources and methods used
11 to acquire such information.

12 (6) Granting security clearances to certain
13 State and local personnel is one way to facilitate the
14 sharing of information regarding specific terrorist
15 threats among Federal, State, and local levels of
16 government.

17 (7) Methods exist to declassify, redact, or other-
18 wise adapt classified information so it may be shared
19 with State and local personnel without the need for
20 granting additional security clearances.

21 (8) State and local personnel have capabilities
22 and opportunities to gather information on sus-
23 picious activities and terrorist threats not possessed
24 by Federal agencies.

1 (9) The Federal Government and State and
2 local governments and agencies in other jurisdictions
3 may benefit from such information.

4 (10) Federal, State, and local governments and
5 intelligence, law enforcement, and other emergency
6 preparation and response agencies must act in part-
7 nership to maximize the benefits of information
8 gathering and analysis to prevent and respond to
9 terrorist attacks.

10 (11) Information systems, including the Na-
11 tional Law Enforcement Telecommunications Sys-
12 tem and the Terrorist Threat Warning System, have
13 been established for rapid sharing of classified and
14 sensitive but unclassified information among Fed-
15 eral, State, and local entities.

16 (12) Increased efforts to share homeland secu-
17 rity information should avoid duplicating existing in-
18 formation systems.

19 (b) SENSE OF CONGRESS.—It is the sense of Con-
20 gress that Federal, State, and local entities should share
21 homeland security information to the maximum extent
22 practicable, with special emphasis on hard-to-reach urban
23 and rural communities.

1 **SEC. 703. FACILITATING HOMELAND SECURITY INFORMA-**
2 **TION SHARING PROCEDURES.**

3 (a) PROCEDURES FOR DETERMINING EXTENT OF
4 SHARING OF HOMELAND SECURITY INFORMATION.—

5 (1) The President shall prescribe and imple-
6 ment procedures under which relevant Federal agen-
7 cies determine—

8 (A) whether, how, and to what extent
9 homeland security information may be shared
10 with appropriate State and local personnel, and
11 with which such personnel it may be shared;

12 (B) how to identify and safeguard home-
13 land security information that is sensitive but
14 unclassified; and

15 (C) to the extent such information is in
16 classified form, whether, how, and to what ex-
17 tent to remove classified information, as appro-
18 priate, and with which such personnel it may be
19 shared after such information is removed.

20 (2) The President shall ensure that such proce-
21 dures apply to all agencies of the Federal Govern-
22 ment.

23 (3) Such procedures shall not change the sub-
24 stantive requirements for the classification and safe-
25 guarding of classified information.

1 (4) Such procedures shall not change the re-
2 quirements and authorities to protect sources and
3 methods.

4 (b) PROCEDURES FOR SHARING OF HOMELAND SE-
5 curity INFORMATION.—

6 (1) Under procedures prescribed by the Presi-
7 dent, all appropriate agencies, including the intel-
8 ligence community, shall, through information shar-
9 ing systems, share homeland security information
10 with appropriate State and local personnel to the ex-
11 tent such information may be shared, as determined
12 in accordance with subsection (a), together with as-
13 sessments of the credibility of such information.

14 (2) Each information sharing system through
15 which information is shared under paragraph (1)
16 shall—

17 (A) have the capability to transmit unclas-
18 sified or classified information, though the pro-
19 cedures and recipients for each capability may
20 differ;

21 (B) have the capability to restrict delivery
22 of information to specified subgroups by geo-
23 graphic location, type of organization, position
24 of a recipient within an organization, or a re-
25 cipient's need to know such information;

1 (C) be configured to allow the efficient and
2 effective sharing of information; and

3 (D) be accessible to appropriate State and
4 local personnel.

5 (3) The procedures prescribed under paragraph
6 (1) shall establish conditions on the use of informa-
7 tion shared under paragraph (1)—

8 (A) to limit the redissemination of such in-
9 formation to ensure that such information is
10 not used for an unauthorized purpose;

11 (B) to ensure the security and confiden-
12 tiality of such information;

13 (C) to protect the constitutional and statu-
14 tory rights of any individuals who are subjects
15 of such information; and

16 (D) to provide data integrity through the
17 timely removal and destruction of obsolete or
18 erroneous names and information.

19 (4) The procedures prescribed under paragraph
20 (1) shall ensure, to the greatest extent practicable,
21 that the information sharing system through which
22 information is shared under such paragraph include
23 existing information sharing systems, including, but
24 not limited to, the National Law Enforcement Tele-
25 communications System, the Regional Information

1 Sharing System, and the Terrorist Threat Warning
2 System of the Federal Bureau of Investigation.

3 (5) Each appropriate Federal agency, as deter-
4 mined by the President, shall have access to each in-
5 formation sharing system through which information
6 is shared under paragraph (1), and shall therefore
7 have access to all information, as appropriate,
8 shared under such paragraph.

9 (6) The procedures prescribed under paragraph
10 (1) shall ensure that appropriate State and local
11 personnel are authorized to use such information
12 sharing systems—

13 (A) to access information shared with such
14 personnel; and

15 (B) to share, with others who have access
16 to such information sharing systems, the home-
17 land security information of their own jurisdic-
18 tions, which shall be marked appropriately as
19 pertaining to potential terrorist activity.

20 (7) Under procedures prescribed jointly by the
21 Director of Central Intelligence and the Attorney
22 General, each appropriate Federal agency, as deter-
23 mined by the President, shall review and assess the
24 information shared under paragraph (6) and inte-
25 grate such information with existing intelligence.

1 (c) SHARING OF CLASSIFIED INFORMATION AND
2 SENSITIVE BUT UNCLASSIFIED INFORMATION WITH
3 STATE AND LOCAL PERSONNEL.—

4 (1) The President shall prescribe procedures
5 under which Federal agencies may, to the extent the
6 President considers necessary, share with appro-
7 priate State and local personnel homeland security
8 information that remains classified or otherwise pro-
9 tected after the determinations prescribed under the
10 procedures set forth in subsection (a).

11 (2) It is the sense of Congress that such proce-
12 dures may include one or more of the following
13 means:

14 (A) Carrying out security clearance inves-
15 tigations with respect to appropriate State and
16 local personnel.

17 (B) With respect to information that is
18 sensitive but unclassified, entering into non-
19 disclosure agreements with appropriate State
20 and local personnel.

21 (C) Increased use of information-sharing
22 partnerships that include appropriate State and
23 local personnel, such as the Joint Terrorism
24 Task Forces of the Federal Bureau of Inves-
25 tigation, the Anti-Terrorism Task Forces of the

1 Department of Justice, and regional Terrorism
2 Early Warning Groups.

3 (d) RESPONSIBLE OFFICIALS.—For each affected
4 Federal agency, the head of such agency shall designate
5 an official to administer this Act with respect to such
6 agency.

7 (e) FEDERAL CONTROL OF INFORMATION.—Under
8 procedures prescribed under this section, information ob-
9 tained by a State or local government from a Federal
10 agency under this section shall remain under the control
11 of the Federal agency, and a State or local law authorizing
12 or requiring such a government to disclose information
13 shall not apply to such information.

14 (f) DEFINITIONS.—As used in this section:

15 (1) The term “homeland security information”
16 means any information (other than information that
17 includes individually identifiable information col-
18 lected solely for statistical purposes) possessed by a
19 Federal, State, or local agency that—

20 (A) relates to the threat of terrorist activ-
21 ity;

22 (B) relates to the ability to prevent, inter-
23 dict, or disrupt terrorist activity;

1 (C) would improve the identification or in-
2 vestigation of a suspected terrorist or terrorist
3 organization; or

4 (D) would improve the response to a ter-
5 rorist act.

6 (2) The term “intelligence community” has the
7 meaning given such term in section 3(4) of the Na-
8 tional Security Act of 1947 (50 U.S.C. 401a(4)).

9 (3) The term “State and local personnel”
10 means any of the following persons involved in pre-
11 vention, preparation, or response for terrorist attack:

12 (A) State Governors, mayors, and other lo-
13 cally elected officials.

14 (B) State and local law enforcement per-
15 sonnel and firefighters.

16 (C) Public health and medical profes-
17 sionals.

18 (D) Regional, State, and local emergency
19 management agency personnel, including State
20 adjutant generals.

21 (E) Other appropriate emergency response
22 agency personnel.

23 (F) Employees of private-sector entities
24 that affect critical infrastructure, cyber, eco-
25 nomic, or public health security, as designated

1 by the Federal government in procedures devel-
2 oped pursuant to this section.

3 (4) The term “State” includes the District of
4 Columbia and any commonwealth, territory, or pos-
5 session of the United States.

6 **SEC. 704. REPORT.**

7 (a) REPORT REQUIRED.—Not later than 12 months
8 after the date of the enactment of this Act, the President
9 shall submit to the congressional committees specified in
10 subsection (b) a report on the implementation of section
11 703. The report shall include any recommendations for ad-
12 ditional measures or appropriation requests, beyond the
13 requirements of section 703, to increase the effectiveness
14 of sharing of information between and among Federal,
15 State, and local entities.

16 (b) SPECIFIED CONGRESSIONAL COMMITTEES.—The
17 congressional committees referred to in subsection (a) are
18 the following committees:

19 (1) The Permanent Select Committee on Intel-
20 ligence and the Committee on the Judiciary of the
21 House of Representatives.

22 (2) The Select Committee on Intelligence and
23 the Committee on the Judiciary of the Senate.

1 **SEC. 705. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated such sums
3 as may be necessary to carry out section 703.

4 **SEC. 706. AUTHORITY TO SHARE GRAND JURY INFORMA-**
5 **TION.**

6 Rule 6(e) of the Federal Rules of Criminal Procedure
7 is amended—

8 (1) in paragraph (2), by inserting “, or of
9 guidelines jointly issued by the Attorney General and
10 Director of Central Intelligence pursuant to Rule 6,”
11 after “Rule 6”; and

12 (2) in paragraph (3)—

13 (A) in subparagraph (A)(ii), by inserting
14 “or of a foreign government” after “(including
15 personnel of a state or subdivision of a state”;

16 (B) in subparagraph (C)(i)—

17 (i) in subclause (I), by inserting be-
18 fore the semicolon the following: “or, upon
19 a request by an attorney for the govern-
20 ment, when sought by a foreign court or
21 prosecutor for use in an official criminal
22 investigation”;

23 (ii) in subclause (IV)—

24 (I) by inserting “or foreign”
25 after “may disclose a violation of
26 State”;

1 (II) by inserting “or of a foreign
2 government” after “to an appropriate
3 official of a State or subdivision of a
4 State”; and

5 (III) by striking “or” at the end;

6 (iii) by striking the period at the end
7 of subclause (V) and inserting “; or”; and

8 (iv) by adding at the end the fol-
9 lowing:

10 “(VI) when matters involve a threat
11 of actual or potential attack or other grave
12 hostile acts of a foreign power or an agent
13 of a foreign power, domestic or inter-
14 national sabotage, domestic or inter-
15 national terrorism, or clandestine intel-
16 ligence gathering activities by an intel-
17 ligence service or network of a foreign
18 power or by an agent of a foreign power,
19 within the United States or elsewhere, to
20 any appropriate federal, state, local, or for-
21 eign government official for the purpose of
22 preventing or responding to such a
23 threat.”; and

24 (C) in subparagraph (C)(iii)—

25 (i) by striking “Federal”;

- 1 (ii) by inserting “or clause (i)(VI)”
2 after “clause (i)(V)”;
3 (iii) by adding at the end the fol-
4 lowing: “Any state, local, or foreign official
5 who receives information pursuant to
6 clause (i)(VI) shall use that information
7 only consistent with such guidelines as the
8 Attorney General and Director of Central
9 Intelligence shall jointly issue.”.

10 **SEC. 707. AUTHORITY TO SHARE ELECTRONIC, WIRE, AND**
11 **ORAL INTERCEPTION INFORMATION.**

12 Section 2517 of title 18, United States Code, is
13 amended by adding at the end the following:

14 “(7) Any investigative or law enforcement officer, or
15 other Federal official in carrying out official duties, who
16 by any means authorized by this chapter, has obtained
17 knowledge of the contents of any wire, oral, or electronic
18 communication, or evidence derived therefrom, may dis-
19 close such contents or derivative evidence to a foreign in-
20 vestigative or law enforcement officer to the extent that
21 such disclosure is appropriate to the proper performance
22 of the official duties of the officer making or receiving the
23 disclosure, and foreign investigative or law enforcement of-
24 ficers may use or disclose such contents or derivative evi-

1 dence to the extent such use or disclosure is appropriate
2 to the proper performance of their official duties.

3 “(8) Any investigative or law enforcement officer, or
4 other Federal official in carrying out official duties, who
5 by any means authorized by this chapter, has obtained
6 knowledge of the contents of any wire, oral, or electronic
7 communication, or evidence derived therefrom, may dis-
8 close such contents or derivative evidence to any appro-
9 priate Federal, State, local, or foreign government official
10 to the extent that such contents or derivative evidence re-
11 veals a threat of actual or potential attack or other grave
12 hostile acts of a foreign power or an agent of a foreign
13 power, domestic or international sabotage, domestic or
14 international terrorism, or clandestine intelligence gath-
15 ering activities by an intelligence service or network of a
16 foreign power or by an agent of a foreign power, within
17 the United States or elsewhere, for the purpose of pre-
18 venting or responding to such a threat. Any official who
19 receives information pursuant to this provision may use
20 that information only as necessary in the conduct of that
21 person’s official duties subject to any limitations on the
22 unauthorized disclosure of such information, and any
23 State, local, or foreign official who receives information
24 pursuant to this provision may use that information only

1 consistent with such guidelines as the Attorney General
2 and Director of Central Intelligence shall jointly issue.”.

3 **SEC. 708. FOREIGN INTELLIGENCE INFORMATION.**

4 (a) DISSEMINATION AUTHORIZED.—Section
5 203(d)(1) of the Uniting and Strengthening America by
6 Providing Appropriate Tools Required to Intercept and
7 Obstruct Terrorism Act (USA PATRIOT ACT) of 2001
8 (Public Law 107–56; 50 U.S.C. 403–5d) is amended by
9 adding at the end the following: “Consistent with the re-
10 sponsibility of the Director of Central Intelligence to pro-
11 tect intelligence sources and methods, and the responsi-
12 bility of the Attorney General to protect sensitive law en-
13 forcement information, it shall be lawful for information
14 revealing a threat of actual or potential attack or other
15 grave hostile acts of a foreign power or an agent of a for-
16 eign power, domestic or international sabotage, domestic
17 or international terrorism, or clandestine intelligence gath-
18 ering activities by an intelligence service or network of a
19 foreign power or by an agent of a foreign power, within
20 the United States or elsewhere, obtained as part of a
21 criminal investigation to be disclosed to any appropriate
22 Federal, State, local, or foreign government official for the
23 purpose of preventing or responding to such a threat. Any
24 official who receives information pursuant to this provision
25 may use that information only as necessary in the conduct

1 of that person’s official duties subject to any limitations
2 on the unauthorized disclosure of such information, and
3 any State, local, or foreign official who receives informa-
4 tion pursuant to this provision may use that information
5 only consistent with such guidelines as the Attorney Gen-
6 eral and Director of Central Intelligence shall jointly
7 issue.”.

8 (b) CONFORMING AMENDMENTS.—Section 203(c) of
9 that Act is amended—

10 (1) by striking “section 2517(6)” and inserting
11 “paragraphs (6) and (8) of section 2517 of title 18,
12 United States Code,”; and

13 (2) by inserting “and (VI)” after “Rule
14 6(e)(3)(C)(i)(V)”.

15 **SEC. 709. INFORMATION ACQUIRED FROM AN ELECTRONIC**
16 **SURVEILLANCE.**

17 Section 106(k)(1) of the Foreign Intelligence Surveil-
18 lance Act of 1978 (50 U.S.C. 1806) is amended by insert-
19 ing after “law enforcement officers” the following: “or law
20 enforcement personnel of a State or political subdivision
21 of a State (including the chief executive officer of that
22 State or political subdivision who has the authority to ap-
23 point or direct the chief law enforcement officer of that
24 State or political subdivision)”.

1 **SEC. 710. INFORMATION ACQUIRED FROM A PHYSICAL**
2 **SEARCH.**

3 Section 305(k)(1) of the Foreign Intelligence Surveil-
4 lance Act of 1978 (50 U.S.C. 1825) is amended by insert-
5 ing after “law enforcement officers” the following: “or law
6 enforcement personnel of a State or political subdivision
7 of a State (including the chief executive officer of that
8 State or political subdivision who has the authority to ap-
9 point or direct the chief law enforcement officer of that
10 State or political subdivision)”.

Passed the House of Representatives July 25 (legis-
lative day, July 24), 2002.

Attest:

JEFF TRANDAHL,

Clerk.